

REMARKS

Claims 1, 3, 5-8, 10, 12-15, 17, 19, 20, 22, 24, 26 and 27 are pending in this application. By this Amendment, claims 1, 8, 15, 17, 19, 22, 24 and 26 are amended. Claims 21 and 28 are canceled without prejudice to, or disclaimer of, the subject matter recited therein. No new matter is added by the above amendments. Reconsideration of the application in light of the above amendments and the following arguments is respectfully requested.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Saint Cyr in the August 25, 2009 personal interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; (c) satisfy a requirement of form asserted in the previous Office Action; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Applicant acknowledges the withdrawal of all prior grounds of rejection. Accordingly, upon overcoming the §101 rejections for reasons discussed below, the pending claims are understood to be in condition for allowance.

As discussed during the personal interview, in the Office Action, box 10 is checked indicating that the drawings remain objected to. However, because the previous ground of objection to the drawings has been withdrawn in the written Office Action, the drawings are understood to be acceptable. Examiner Saint Cyr expressed that the check box may have been filled in error. Correction of the Patent Office record in the next Patent Office communication is respectfully requested.

The Office Action objects to claims 21 and 28. As discussed during the personal interview, claims 21 and 28 are canceled rendering the objection moot.

The Office Action rejects claims 1, 3, 5-8, 10, 12-15, 17, 19-22, 24 and 26-28 under 35 U.S.C. § 101 as directed to non-statutory subject matter. This rejection is respectfully traversed.

As discussed, and agreed upon, during the personal interview, the independent method claims 1 and 8 are revised to recite that various steps of the methods are performed "using a processor." Thus, the method claims are tied to a statutory category. This is supported, for example, by Fig. 2, page 22, lines 4-12, and page 23, lines 9-20.

Moreover, as discussed, such methods take two sentences, convert the sentences, calculate distances, and provide an indicator of semantic similarity of the two sentences as a comparison of the sentences. This is not solely a mathematical algorithm or an abstract idea, but a specific real world application that ties the claims to a practical application (text comparison of input sentences) and achieves the result of an output indication of semantic similarity among the sentences.

Moreover, regarding independent apparatus claims 15 and 22, it is alleged that the "programs" do not fall within a statutory category. As discussed and agreed upon, during the personal interview, claims 15 and 22 are revised for clarity to recite "a computer-readable storage medium encoded with a program of instructions that when executed by a computer cause the computer to execute the following method." Moreover, the steps are revised for clarity to be in the form of method steps. This ties the claims to a proper statutory classification as set forth in the Patent Office Interim Guidelines, Annex IV, which states that "a computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory" (emphasis added). Also see *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed Cir. 1994).

Also, as with method claims 1 and 8, independent claims 15 and 22 embody a real world practical application involving semantic comparison of two text sentences, are not directed to an abstract idea or mathematical algorithm, and are thus statutory.

Accordingly, independent claims 1, 8, 15 and 22, and claims dependent therefrom, are directed to statutory subject matter. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Stephen P. Catlin
Registration No. 36,101

JAO:SPC/hlp

Date: August 26, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--